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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

* * * *

In re * Bankruptcy no. 14-25369
*
CHAD A. PASSA * Chapter 13
LISA M. HART *
*
Debtors. *
* Honorable William T. Thurman

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**DEBTORS' MOTION FOR ORDER DIRECTING PAYMENT
OF SUPERSEDEAS BOND TO DEBTORS**

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Debtors Chad A. Passa and Lisa M. Hart respectfully move the Court for an Order directing the Clerk of the Court to pay to them the amount of the Supersedeas Bond funds paid into the Court's Registry by creditor Kelly Clark on June 13, 2018. In support of this motion, Debtors represent as follows:

1. On December 1, 2017, the Court entered an Order Granting Motion for Sanctions for Violation of the Automatic Stay and Granting Motion for Sanctions for Violation of the Discharge Injunction. Therein, the Court awarded actual damages in favor of Debtors and against Mr. Clark in the amount of \$1,798.80 and actual damages against Mr. Clark and his counsel, jointly and severally, in the amount of \$2,726.64. (Doc 88)

2. On January 22, 2018, the Court entered an Order and Judgment Re: Attorney Fees which awarded Debtors judgment against Kelly Clark for attorney fees in the amount of \$3,100 and judgment against Mr. Clark and his attorney Albert N. Pranno, jointly and severally, for attorney fees in the amount of \$4,325. (Doc 107)

3. On December 12, 2017, Mr. Clark filed a Notice of Appeal from the December 1, 2017 Order to the United States District Court for the District of Utah. (Doc 94)

4. On February 1, 2018, Mr. Pranno filed his Notice of Appeal from the December 12, 2017 Order. (Doc 109)

5. On May 22, 2018, Mr. Clark filed a motion requesting a stay pending appeal. (Doc 134)

6. On June 11, 2018, the Court entered an Order Approving Supersedeas Bond and Granting Stay Enforcement of Judgment Pending Appeal which approved a supersedeas cash bond in the amount of \$11,980.44. (Doc 139)

7. The Order provides that:

"... upon the filing of the cash bond with the Clerk of the Court, any enforcement of the Order and Judgment entered January 22, 2018 (Doc 107) and/or the Order Granting Motion for Sanctions for Violation of the Automatic Stay and Granting Motion for Sanctions for Violation of the Discharge Injunction entered December 1, 2017 (Doc 88) will be stayed until completion of Clark's and Pranno's appeals, which are currently consolidated as Case No. 2:18 cv-00006-DN with the United States District Court for the District of Utah ...

(Doc 139)

8. Mr. Clark filed a cash bond with the Clerk of the Court on June 13, 2017.

9. The District Court has now affirmed the Bankruptcy Court's Order Granting Motion for Sanctions for Violation of the Automatic Stay and Granting Motion for Sanctions for Violation of the Discharge Injunctions and has dismissed the appeal. (Doc 144)

10. The conditions precedent to paying the bond funds to Debtors have been satisfied.

Based on the foregoing, Debtors respectfully request the Court's Order directing the Clerk of the Court to pay to Debtors the bond funds in the amount of \$11,980.44 and granting such other and further relief as the Court may find reasonable and proper.

DATED this 28th day of June 2020.

/s/Scott B. Mitchell

Attorney for the Debtors

CERTIFICATE OF SERVICE - BY NOTICE OF ELECTRONIC FILING (CM/ECF)

I hereby certify that on June 28, 2020, I electronically filed the foregoing Debtors' Motion for Order Directing Payment of Supersedeas Bond to Debtors with the United States Bankruptcy Court for the District of Utah by using the CM/ECF system. I further certify that the parties of record in this case, as identified below, are registered CM/ECF users and will be served through the CM/ECF system.

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